



14 NOV 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCCORMICK, PAULDING & HUBER LLP
City Place II
185 Asylum Street
Hartford, CT 06103

In re Application of:	:	
VOGLER, Jes	:	DECISION ON PETITION
Application No.: 10/538,254	:	
PCT No.: PCT/DK2003/000849	:	
Int. Filing Date: 10 December 2003	:	
Priority Date: 12 December 2002	:	
Attorney Docket No.: 6495-0109WOUS	:	
For: A PRESSURE SENSOR	:	

This decision is issued in response to applicant's "Petition To Obtain Earlier Date Of Receipt Of 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) Requirements, And Date Of Completion Of All 35 U.S.C. 371 Requirements" filed 07 November 2005, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 10 December 2003, applicant filed international application PCT/DK2003/000849 which claimed a priority date of 12 December 2002, was published in English, and designated the United States. On 24 June 2004, a copy of the international application was transmitted to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 13 June 2005 (12 June 2005 was a Sunday).

On 09 June 2005, applicant filed a transmittal letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee, an Application Data Sheet (ADS), a Preliminary Amendment, and a declaration executed by the sole inventor.

On 22 July 2005, applicant filed a Supplemental ADS, accompanied by a copy of the previously filed declaration. The cover letter included with this submission noted that the Supplemental ADS corrected errors in the inventor's mailing and residence address, and that the corrected information corresponded to the information contained in the previously filed declaration.

On 29 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying 22 July 2005 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371(c) Requirements." Also on 29 September 2005, a filing receipt was issued which identified 22 July 2005 as the 35 U.S.C. 371(c) date.

On 07 November 2005, applicant filed the petition considered herein. In the petition, applicant asserts that the 09 June 2005 submission initiating the national stage application materials included all the materials required under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), and that 09 June 2005 is therefore the proper 35 U.S.C. 371(c) date for the present application.

DISCUSSION

A review of the application file confirms that the 09 June 2005 submission included payment of the basic national fee and an executed declaration in compliance with 37 CFR 1.497. A copy of the international application had previously been communicated by the IB. Accordingly, the proper date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for this application is 09 June 2005. Applicant's 22 July 2005 submission of a Supplemental ADS (and a second copy of the previously filed declaration) did not serve to change this date.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 09 June 2005.

The Notification Of Acceptance and filing receipt mailed 29 September 2005, which identified the 35 U.S.C. 371(c) date as 22 July 2005, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification Of Acceptance and filing receipt that properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 09 June 2005.



Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459